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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/008,234	11/07/2001	Douglas F. Libra	00-348	6984

7590

12/07/2005

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EXAMINER

KRISCIUNAS, LINDA MARY

ART UNIT

PAPER NUMBER

3623

DATE MAILED: 12/07/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/008,234	Applicant(s) LIBRA ET AL.	
	Examiner Linda Krisciunas	Art Unit 3623	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.138(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 07 November 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-36 is/are pending in the application.
- 4a) Of the above claim(s) 9-17, 24-32 and 36 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-8, 18-23 and 33-35 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☒ Claim(s) 1-36 are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 07 November 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

Election/Restrictions

1. Restriction to one of the following inventions is required under 35 U.S.C. 121:
 - I. Claims 1-8, 18-23 and 33-35, drawn to collaborative performance of tasks classified in class 705, subclass 8.
 - II. Claims 9-17, 24-32 and 36 drawn to testing interactivity of computing systems classified in class 717, subclass 124.

The inventions are distinct, each from the other due to the following reasons:

1. Inventions I and II are related as subcombinations disclosed as usable together in a single combination. The subcombinations are distinct from each other if they are shown to be separately usable. In the instant case, invention II has separate utility such as testing the interactivity of the computing systems that is not required for invention I, which is drawn to the collaborative performance of tasks.

Because these inventions are distinct for the reasons given above and have acquired a separate status in the art as shown by their different classification, restriction for examination purposes as indicated is proper.

Because these inventions are distinct for the reasons given above and the search required for Group I is not required for Group II, restriction for examination purposes as indicated is proper.

During a telephone conversation with Attorney John Hammar on Wednesday November 23, 2005 a provisional election was made with traverse to prosecute the invention of group I claims 1-8, 18-23 and 33-35. Affirmation of this election must be made by the applicant when replying to this Office action. Claims 9-17, 24-32 and 36

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are withdrawn from further consideration by the examiner, 37 CFR 1.142(b), as being drawn to a non-elected invention.

Specification

Content of Specification

- (b) Cross-References to Related Applications: See 37 CFR 1.78 and MPEP § 201.11.

The Specification is objected to because it fails to list its provisional patent in the first line of the specification. Correction is required.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 1-8, 18-23 and 33-35 are rejected under 35 U.S.C. 102(b) as being anticipated by Hughes et al (US 5,893,074).

As per claim 1 and 18, Hughes teaches reducing the overall time to collaboratively perform a number of tasks which require collaborative action comprising: recording the collaborative actions into a database (column 1, lines 45-50 and 63-64: "During day-to-day operations, individual employees supply, receive, and/or deliver particular items of the project; the status of each item then reported to the supervising manager. Information is then collected, tabulated, and evaluated to manage the project." and "The inventor recognized significant advantages from recording

information directly in a centralized database."); displaying a status of the actions taken in each task and also viewing the status of the task, and each party may view the status of each task (column 4, lines 62-63: "access to accurate and timely status of each task").

As per claim 2 and 19, Hughes teaches ordering the actions into sequential steps (See Figure 1 where the tasks are listed in order 1 through 4.); and assigning an individual, group, machine or combination to perform each action (column 3, lines 28-29).

As per claim 3 and 20, Hughes teaches designating the dates that the actions will be performed; and indicating the location where each action is to be performed (column 11, lines 56-58: "Input data for the AITS system includes the action item's or request for action's origin, assignor, date assigned, date completed or date due, and description.>").

As per claim 4, Hughes teaches inputting the script into an electronic file (column 4, line 28: the use of a database requires an electronic file).

As per claim 5, Hughes teaches displaying the status of the tasks by providing access to the status via the internet (column 2, line 30).

As per claim 6, Hughes teaches indicating two or more tasks and whether part of one of the tasks has not started, is in work, or has been completed (column 9, lines 61-65: "If the product is completed, input data are supplied to the method stating that the product is reconciled at step 60. If the product is not completed, the appropriate state is input to the method at step 61. This state is updated in real-time.>").

As per claim 7, and 21-22 Hughes teaches indicating the last action completed within each of the tasks that are in work (column 4, lines 62-63: "access to accurate and timely status of each task" providing a status of the tasks implies that a list of completed actions would be provided as noted by column 9, lines 61-65: "If the product is completed, input data are supplied to the method stating that the product is reconciled at step 60. If the product is not completed, the appropriate state is input to the method at step 61. This state is updated in real-time.").

As per claim 8 and 23, Hughes teaches displaying the total number of actions in each of the tasks (column 4, lines 62-63: "access to accurate and timely status of each task" where all the tasks are displayed); and displaying the percentage of the number of actions completed for each of the tasks (See Figure 8 where the baseline values are compared to the current values. The information is displayed graphically, but is deemed equivalent as it performs an identical function in substantially the same manner and produces substantially the same results).

As per claim 33, Hughes teaches recording a plurality of tasks that are collaboratively performed where each task includes a series of actions; recording the series of actions (column 1, lines 45-50 and 63-64: "During day-to-day operations, individual employees supply, receive, and/or deliver particular items of the project; the status of each item then reported to the supervising manager. Information is then collected, tabulated, and evaluated to manage the project." and "The inventor recognized significant advantages from recording information directly in a centralized database."); displaying a status of the actions taken in each task (); providing immediate

access to each party to allow viewing of the status of each task thereby reducing the overall time required for the parties to perform the tasks (column 4, lines 62-63: "access to accurate and timely status of each task").

As per claim 34, Hughes teaches ordering each of the actions into sequential steps (See Figure 1 where the tasks are listed in order 1 through 4); assigning an individual, group, machine or combination to perform the actions (column 3, lines 28-29); designating the date that one or more of the actions will be performed and indicating the location where each action is to be performed (column 11, lines 56-58: "Input data for the AITS system includes the action item's or request for action's origin, assignor, date assigned, date completed or date due, and description.").

As per claim 35, Hughes teaches indicating two or more tasks and whether one is not started, is in work, or has been completed (column 9, lines 61-65: "If the product is completed, input data are supplied to the method stating that the product is reconciled at step 60. If the product is not completed, the appropriate state is input to the method at step 61. This state is updated in real-time."); indicating the last action completed within each of the tasks that are in work (column 4, lines 62-63: "access to accurate and timely status of each task" providing a status of the tasks implies that a list of completed actions would be provided as noted by column 9, lines 61-65: "If the product is completed, input data are supplied to the method stating that the product is reconciled at step 60. If the product is not completed, the appropriate state is input to the method at step 61. This state is updated in real-time"); displaying the total number of actions in each task (column 4, lines 62-63: "access to accurate and timely status of each task"

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where all the tasks are displayed); and displaying the percentage of the number of actions completed for each task (See Figure 8 where the baseline values are compared to the current values. The information is displayed graphically, but is deemed equivalent as it performs an identical function in substantially the same manner and produces substantially the same results).

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The following art also teaches collaborative project software systems: Cho et al (US 6,754,677), Brown et al (US 6,115,642), Brown et al (US 5,923,552), Harmon et al (US 5,563,994), Page et al (US 6,370,562), Page et al (US 6,212,549), Srinivasan (US 5,548,506), Srinivasan (US RE38,633), "Inovie Software Introduces First Real-Time Collaborative Team Management System; TeamCenter Provides Internet-Based Team Management for the Enterprise", Business Wire, Sept 8, 1998; "X-Collaboration Integrates X-Community with Microsoft Project, Taking Project Management to the Web", Business Wire, April 19, 2000; "Smoothing bumps in project planning" by Matt Kramer, PC Week, Jan 12, 1998.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Linda Krisciunas whose telephone number is 571-272-6931. The examiner can normally be reached on Monday through Friday, 6:30 am to 3:00 pm.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tariq Hafiz can be reached on 571-272-6729. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

LMK

LMK
Nov 30, 2005

Susanna Diaz
SUSANNA M. DIAZ
PRIMARY EXAMINER

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